

ATTORNEY DOCKET NO.: 2002P01222WOUS

REMARKS

Status Summary

The Final Office Action dated April 16, 2007 has been noted and its contents carefully studied. Claims 15-37 were previously pending in the application. Based on the Examiner's new or more particular interpretation of the prior art as it relates to the presently presented claims, Claims 15, 16, 28, 29 and 33 have been amended to better clarify and more particularly claim the present invention. No new matter has been added and while the claims have been amended for better clarification in light of the Examiner's interpretation, no new issues have been raised. Reconsideration of the application as amended and based on the remarks set forth hereinbelow is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 15, 16, 18 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by GB389535A to James (hereinafter "James"). These rejections are respectfully traversed.

By way of background, the present invention relates to a refrigerating device comprising a hollow-walled housing surrounding a non-evacuatable storage chamber (defined in an interior space) and having an evacuatable storage compartment positioned in the storage chamber. A vacuum pump is provided which is connected to the storage compartment and a hollow chamber of the housing via a suction line. The refrigerating device according to the present invention combines the advantages of an evacuatable storage compartment (separate from but positioned within a non-evacuatable storage chamber) with the advantages of an actively pumped refrigerating device.

Independent Claim 15 has been amended herein to better clarify and more particularly claim the present invention. Specifically, Claim 15 now recites a refrigerating device, comprising: an exterior door; a non-evacuatable storage chamber; an exterior hollow-walled housing forming a hollow chamber therein, said hollow-walled housing and said door surrounding said storage chamber; an evacuatable storage

compartment positioned within said storage chamber; and a vacuum pump connected via a suction line to both said storage compartment and said hollow chamber.

James discloses a heat-insulated storage chamber particularly for preserving foodstuffs. Referring to Figures 9-11, James discloses an evacuable inner storage chamber 33 formed by an inner wall 34 and provided with an airtight door 34a. Around the wall 34 is an inner space 35 formed by a shell 36. Surrounding the shell 36 and spaced therefrom is an outer casing 37 and the space between the shell 36 and outer casing 37 is filled with a non-conducting (asbestos) filling 38. An ice-making chamber 60 is also provided. Pump connections 42, 43, and 61 open into the storage chamber 33, the inner space 35, and the ice-making chamber 60, respectively, the connections leading through pipes 42a and 43a to a common pump connection 44 of a pump or exhauster driven by an electric motor 45. Accordingly, inner storage chamber 33 and ice-making chamber 60 are both evacuable, as is space 35.

Applicants respectfully submit that James does not disclose all of the elements recited by amended independent Claim 15. Particularly, James does not disclose, among other things, a vacuum pump connected via a suction line to both an evacuable storage compartment and a hollow chamber formed by an exterior hollow-walled housing, wherein the evacuable storage compartment is positioned within a non-evacuable storage chamber defined by the hollow-walled housing and an exterior door. Such an arrangement, as defined in the presently amended Claim 15, combines the advantages of an evacuable storage compartment (separate from but positioned within a non-evacuable storage chamber) with the advantages of an actively pumped refrigerating device.

Conversely, James teaches pump connections 42, 43, and 61 opening into a storage chamber 33, an inner space 35, and an ice-making chamber 60, respectively. The exterior hollow-walled housing formed between shell 36 and outer casing 37 is filled with a non-conducting filling 38 and there is no disclosure of connection of a pump or exhauster to this housing, and Applicants respectfully submit that such an arrangement would obviate the functionality intended in James. Additionally, there is no disclosure in

James of a non-evacuatable storage chamber defined by the exterior hollow-walled housing and an exterior door, and having an evacuatable storage compartment housed therein.

For the above reasons, Applicants respectfully submit that James does not disclose all of the elements recited by amended independent Claim 15 and therefore Claim 15 and dependent Claims 16, 18 and 28 (which recite additional patentable subject matter) are not anticipated by the cited reference. Applicants therefore respectfully request that the rejection of Claims 15, 16, 18 and 28 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed at this time.

Claim Rejections - 35 U.S.C. § 103

Claims 17, 19-21, 24-27, 29-30 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over James in view of U.S. Patent No. 6,090,422 to Taragan et al. (hereinafter "Taragan"). These rejections are respectfully traversed.

As described above, independent Claim 15 now recites a refrigerating device, comprising: an exterior door; a non-evacuatable storage chamber; an exterior hollow-walled housing forming a hollow chamber therein, said hollow-walled housing and said door surrounding said storage chamber; an evacuatable storage compartment positioned within said storage chamber; and a vacuum pump connected via a suction line to both said storage compartment and said hollow chamber.

Independent Claim 29 has additionally been amended herein to better clarify and more particularly claim the present invention. Specifically, Claim 29 now recites a refrigerating device, comprising: an exterior door; a non-evacuatable storage chamber; an exterior hollow-walled housing forming a hollow chamber therein, said hollow-walled housing and said door forming an interior space defining said storage compartment; an evacuatable storage compartment positioned within said storage chamber; a vacuum pump connected via a suction line to both said storage compartment and said hollow chamber; a switching valve coupled to said suction line for selective connection of said pump to at least one of said storage compartment and said hollow chamber; at least one

pressure sensor arranged on the suction side of said pump; and a control circuit coupled to said pressure sensor for controlling said pump, said control circuit controlling said selective connection of said switching valve in response to said pressure sensor.

As described above, James discloses pump connections 42, 43, and 61 opening into a storage chamber 33, an inner space 35 (formed between an inner wall 34 and a shell 36), and an ice-making chamber 60, respectively, the connections leading through pipes 42a and 43a to a common pump connection 44 of a pump or exhauster driven by an electric motor 45. An outer casing 37 is also provided and the space between the shell 36 and outer casing 37 is filled with a non-conducting filling 38. There is no disclosure in James of a vacuum pump connected via a suction line to both a storage compartment and a hollow chamber formed by an exterior hollow-walled housing, or of a non-evacuatable storage chamber having an evacuatable storage compartment housed therein.

Taragan fails to overcome the shortcomings of James. Taragan is directed to a refrigerator 10 including a vacuum cabinet 20 which includes a vacuum compartment 42 and an open top drawer 34 in the vacuum compartment. When the refrigerator door is closed, a rotary spool 75 of the air control valve 70 is moved to a position to recirculate air from the vacuum compartment through the vacuum pump 65 back into the vacuum compartment so as to pre-chill the contents of the vacuum compartment. There is no disclosure in Taragan of a vacuum pump connected via a suction line to both an evacuatable storage compartment housed within a non-evacuatable storage chamber, and a hollow chamber formed by a hollow-walled housing (surrounding the non-evacuatable storage chamber). In particular, there is no disclosure in Taragan of a vacuum pump connected to anything but the internal vacuum storage compartment.

Applicants respectfully submit that there is no disclosure in James, even if combined with the teachings of Taragan, of the elements recited by amended independent Claims 15 and 29. Particularly, there is no teaching or suggestion of, among other things, a vacuum pump connected via a suction line to both a storage compartment and a hollow chamber formed by an exterior hollow-walled housing. Additionally, there is no disclosure of a non-evacuatable storage chamber defined by the exterior hollow-walled

housing and an exterior door, and having the evacuable storage compartment housed therein.

For the above reasons, Applicants respectfully submit that James and Taragan, either alone or in combination, do not disclose all of the elements recited by amended independent Claims 15 and 29 and therefore these claims and the claims that depend therefrom (which recite additional patentable subject matter) are not obvious in view of the cited references. Applicants therefore respectfully request that the rejection of Claims 17, 19-21, 24-27, 29-30 and 33 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed at this time.

Allowable Subject Matter

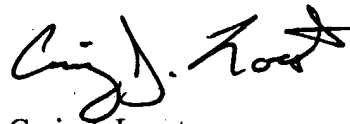
Applicants appreciate and acknowledge the indication by the Examiner that Claims 34-37 are allowed and that Claims 22-23 and 31-32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that based on the amendments to Claims 15 and 29 above, dependent Claims 22-23 and 31-32 (which recite additional patentable subject matter) are now allowable.

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CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 15-37 are respectfully requested. If the Examiner has any questions regarding this Amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

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